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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 158 OF 2007
IN
CRIMINAL APPLICATION NO. 570 OF 2005

The State of Maharashtra ... Applicant

V/s

Santosh @ Sanni Laxman Oval ... Respondent

Mr. A.A. Pol, A.P.P. for the applicant State.

CORAM: D. G. DESHPANDE &
SMT. NISHITA MHATRE, JJ.

DATED: 3RD APRIL, 2007.

P.C.:

1. This application is filed for restoration of Criminal Application No.570 of 2005. Application No.570 of 2005 was an application for leave to appeal against the order of acquittal. That application was dismissed because there was delay of 49 days. Hence the application for condonation of delay was filed. It appears that these facts were not brought to our notice and, therefore, we have passed an order allowing the substituted service. In fact no order for substituted service could have been passed unless the application is restored to the file which was dismissed. Therefore

that order is to be set aside.

2. This Criminal Application No.158 of 2007 is for setting aside the order dated 8.9.2006 in Criminal Application No. 570 of 2005. At that time notices were not issued to the respondents, therefore, no notice of this application is necessary.

3. After hearing the learned A.P.P., we allow the application and set aside the order dated 8.9.2006 in Criminal Application No. 570 of 2005.

4. This Criminal Application No. 158 of 2007 is hereby disposed of.

5. Put up the matter for further orders next week.

(D.G. DESHPANDE, J.)

(SMT. NISHITA MHATRE, J.)